

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re

BROADBAND OFFICE, INC.,

Debtor.

BROADBAND OFFICE, INC.,

Plaintiff,

vs.

TECHNOLOGY CREDIT CORPORATION
d/b/a EXTREME NETWORKS CREDIT
CORPORATION, EXTREME NETWORKS,
INC., and KEY EQUIPMENT FINANCE,
INC. f/k/a KEY CORPORATE CAPITAL,
INC. f/k/a LEASTEC CORPORATION

Defendants.

Civil Action No. 04-407 (GMS)

Bankruptcy Case No. 01-172 (GMS)

Chapter 11

**SUPPLEMENTAL APPENDIX OF EVIDENCE IN SUPPORT OF
DEFENDANT EXTREME NETWORKS INC.'S
MOTION FOR SUMMARY JUDGMENT**

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Co-Counsel for Defendant Extreme Networks, Inc.

INDEX

<u>Document</u>	<u>Exhibit</u>
Pertinent excerpts of Plaintiff Broadband Office, Inc.'s Answers, Responses, and Objections to Defendant Extreme Networks, Inc.'s First Set of Interrogatories and First Request for Production of Documents Directed to Plaintiff Broadband Office, Inc.	R
Declaration Concerning Debtor's Schedules as filed in <i>In re Broadband Office, Inc.</i> , proceeding no. 01-1720 in the United States Bankruptcy Court for the District of Delaware	S
Pertinent excerpts of TCC's Response to Plaintiff's First Set of Interrogatories and First Request for Production of Documents	T

EXHIBIT R

24. **INTERROGATORY NO. 24:**

When did You first learn of Extreme Networks, Inc.'s alleged guaranty of the Debtor's lease payment obligations relating to the Master Lease Agreement No. X163 (and schedules 1 through 6).

ANSWER:

Mr. Fabi became aware of the guaranty as of the inception of Master Lease Agreement No. X163 (and schedules 1 through 6) in 2000.

Dated: December 27, 2006.

For the Interrogatories, counsel signs only as to the Objections.

WERB & SULLIVAN

/s/ Brian Sullivan

Brian A. Sullivan (#2098)

Robert D. Wilcox (#4321)

Amy D. Brown (#4077)

300 Delaware Ave., 13th Floor

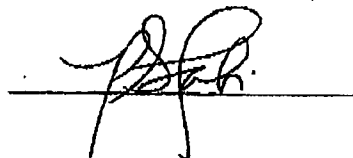
Wilmington, Delaware 19801

Telephone: (302) 652-1100

Facsimile: (302) 652-1111

Attorneys for Broadband Office, Inc.

The undersigned asserts that the foregoing answers are true and correct to the best of his knowledge.

A handwritten signature in black ink, appearing to be "R. R.", is written over a horizontal line.

Notary Public

EXHIBIT S

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

FILED

2001 JUN 28 PM 7:50

In re

BROADBAND OFFICE, INC.,

Debtor.

Chapter 11
U.S. BANKRUPTCY COURT
DISTRICT OF DELAWARE
Case No. 01-1720 (GMS)

Schedules of the Debtor,
BroadBand Office, Inc.
Case No. 01-1720 (GMS) (Chapter 11)

Form 86-Cont.
(12/94)In re _____
DebtorCase No. _____
(If known)**DECLARATION CONCERNING DEBTOR'S SCHEDULES****DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of _____ (Total shown on summary page plus 1.) sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date _____

Signature: _____
Debtor

Date _____

Signature: _____
(Joint Debtor, if any)
[If joint case, both spouses must sign.]**CERTIFICATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed or Typed Name of Bankruptcy Petition Preparer _____

Social Security No. _____

Address _____

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

X _____
Signature of Bankruptcy Petition Preparer

Date _____

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP

I, the CONTROLLER [the president or other officer or an authorized agent of the corporation or a member or an authorized agent of the partnership] of the CORPORATION [corporation or partnership] named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of _____ sheets, and that they are true and correct to the best of my knowledge, information, and belief. (Total shown on summary page plus 1.)

Date 6/28/01Signature: [Signature]PERRY FABI

[Print or type name of individual signing on behalf of debtor.]

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

EXHIBIT T

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

BROADBAND OFFICE, INC.,
Debtor.

Chapter 11

Case No. 01-1720 (GMS)

BROADBAND OFFICE, INC.,
Plaintiff,

vs.

TECHNOLOGY CREDIT CORPORATION dba
EXTREME NETWORKS CREDIT
CORPORATION

Defendant.

Adversary No. 03-60208

**RESPONSE TO PLAINTIFF'S FIRST INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant, Technology Credit Corporation d/b/a Extreme Networks Credit Corporation ("TCC" or "Defendant"), by and through its undersigned attorneys, hereby responds to Plaintiff's First Interrogatories and Request for Production of Documents (the "Requests").

GENERAL OBJECTIONS

The following general objections apply to and are hereby incorporated by reference into each individual response herein, whether or not expressly incorporated in such individual response:

1. Defendant objects to the Requests to the extent that they seek to obtain information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable protections or privileges. Defendant's inadvertent production of

DEFENDANT'S RESPONSE:

(a) None. Defendant is unaware of any entity known as "Technology Credit Co."

(b) Not applicable.

INTERROGATORY AND DOCUMENT REQUEST NO. 12:

(a) Identify all communications between Defendant (including any attorney, other person, or entity acting on behalf of Defendant) and Jeffrey A. Davis, or any other attorney associated with or a member of the Gray Cary law firm relating to (i) this lawsuit, (ii) any allegations therein or defenses thereto, (iii) the possibility of any lawsuit regarding transactions relating to Plaintiff, or (iv) any proposed or actual agreement relating to an actual or proposed extension of any limitations period for filing this or any other lawsuit relating to Plaintiff. Include in your answer any communications up to and including the date of your service of your answers to this discovery.

(b) Identify and produce each document which supports or is related to your answer to this Interrogatory, or is referenced in your answer.

DEFENDANT'S RESPONSE:

Subject to the General Objections, Defendants states as follows:

(a) James E. Hartigan had a conversation with Jeffrey A. Davis on or about April 25, 2003 where he provided bills of sales related to Schedules 01 through 06 to Master Lease Agreement X163. Lawrence Clark spoke with Craig M. Tighe of Gray Cary Ware and Freidenrich LLP and requested an affidavit from Jeffrey A. Davis.

(b) 1) Affidavit of Jeffrey A. Davis

2) Telephone notes made by James E. Hartigan.

INTERROGATORY AND DOCUMENT REQUEST NO. 13:

(a) Identify all communications of which you are aware or believe occurred between Key Bank (including any attorney, other person, or entity acting on behalf of Key Bank) and Jeffrey A. Davis, or any other attorney associated with or a member of the Gray Cary law firm relating to (i) this lawsuit, (ii) any allegations therein or defenses thereto, (iii) the possibility of any lawsuit regarding transactions relating to Plaintiff, or (iv) any proposed or actual agreement relating to an actual or proposed extension of any limitations period for filing this or any other

Check 3/14/01 #107738 \$276,164.63

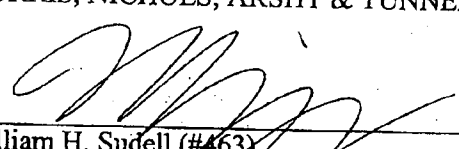
Check 3/14/01 #107737 \$495,710.44

Rent Payment Schedule No:	Key Invoice No.	Key Due Date:	Transaction Type	Amount
Check #107738:				
01	1671925	2/28/01	Rent	\$16,695.54
02	1564939	11/11/00	Tax	\$ 346.85
03	1667916	2/20/01	Rent	\$66,013.70
04	1671936	12/29/00	Rent	\$15,359.14
05	1686324	2/17/01	Rent	\$49,150.62
06	1670357	2/26/01	Rent	\$128,598.78
		Total Check:		<u>\$276,164.63</u>

Check #107737:				
01	1644386	1/28/01	Rent	\$16,695.54
01	1635296	12/28/00	Rent	\$16,695.54
02	1664372	2/11/01	Rent	\$36,245.48
02	1635622	1/11/01	Rent	\$36,425.48
03	1639003	12/20/00	Rent	\$66,013.70
03	1611919	1/20/00	Rent	\$66,013.70
04	1645324	1/29/01	Rent	\$15,359.14
04	1616184	12/29/00	Rent	\$15,359.14
05	1638107	1/17/01	Rent	\$49,150.62
05	1610820	12/17/00	Rent	\$49,150.62
06	1601725	1/26/01	Rent	\$128,601.48
		Total Check:		<u>\$495,710.44</u>

(b) Defendant's response to Interrogatory and Document Request No. 2(b) is incorporated herein by this reference as though set forth in full.

MORRIS, NICHOLS, ARSHT & TUNNELL


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 Thomas W. Briggs, Jr. (#4076)
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Dated: Wilmington, Delaware
November 4, 2004

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